

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence Frank on 8/11/10.

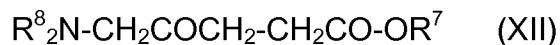
The application has been amended as follows:

IN THE CLAIMS

Claim 67 has been added:

67. A kit for use in photochemotherapy of disorders or abnormalities of external surfaces of the body comprising:

a) a first container containing an acid addition salt of a 5-aminolevulinic acid (5-ALA) ester with an acid which has a pKa of about 5 or less, wherein said acid is a sulfonic acid, sulfonic acid derivative, or nitric acid, and wherein 5-ALA ester is a compound of formula (XII):



Wherein R^7 represents a straight-chained C_{1-6} alkyl group optionally substituted by an aryl group, and

R^8 each independently represents a hydrogen atom or an optionally substituted straight-chained, branched or cyclic alkyl group which may optionally be interrupted by one or more $-O-$, $-NR^9-$, $-S-$, or $-PR^9-$ groups; and

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R⁹ is a hydrogen atom or a C₁₋₆ alkyl group,

- b) a second container containing at least one surface penetration assisting agent; and optionally
- c) one or more chelating agents contained either within said first container or in a third container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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